

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
NE/S Winterset Avenue, 235' S	
of the c/l of Winterset Court	* ZONING COMMISSIONER
(7924 Winterset Avenue)	
3rd Election District	* OF BALTIMORE COUNTY
2nd Councilmanic District	
	* Case No. 96-124-A
Bernard Kraft, et ux	
Petitioners	*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7924 Winterset Avenue, located in the vicinity of Stevenson Road in the Dumbarton Heights community in Pikesville. The Petition was filed by the owners of the property, Bernard and Eileen Kraft. The Petitioners seek relief from Sections 1B02.3.B and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet and 10 feet in lieu of the required 15 feet for each for the existing structure and the proposed reconstruction of the south wing on the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING

Date 10/26/95

By [Signature]

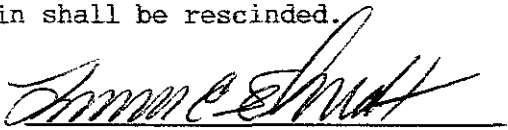
10/26/95

of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of October, 1995 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet and 10 feet in lieu of the required 15 feet for each for the existing structure and the proposed reconstruction of the south wing on the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 26, 1995

Mr. & Mrs. Bernard Kraft  
7924 Winterset Avenue  
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
NE/S Winterset Avenue, 235' S of the c/l of Winterset Court  
(7924 Winterset Avenue)  
3rd Election District - 2nd Councilmanic District  
Bernard Kraft, et ux - Petitioners  
Case No. 96-124-A

Dear Mr. & Mrs. Kraft:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

96-124-A

for the property located at 7924 Winterset Avenue, Lot 29, Block "F",

Third Election District, Dumbarton Heights, Section 3

which is presently zoned DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

§1802.3.8 and 205.3 (1955 Regs) to allow a side yard setback of 12 feet in lieu of the required 15 feet and to allow an existing side yard setback of 10 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

*See Exhibit "A"*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

**Bernard Kraft**

(Type or Print Name)

Signature

Signature

Address

**Eileen Kraft**

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Office-410-583-8883

7924 Winterset Avenue Home- 410-653-2320

Address

Phone No

Signature

**Baltimore, MD 21208**

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County; this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

NOT RECORDED

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Printed with Soybean Ink  
on Recycled Paper

ITEM #: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_

#142

ORDER RECEIVED FOR FILING  
Date 10/26/95  
By [Signature]

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7924 Winterset Avenue

address

Baltimore, MD 21208

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

See Exhibit "A"

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Bernard Kraft  
(signature)

Bernard Kraft

(type or print name)

Anne Arundel



Eileen Kraft  
(signature)

Eileen Kraft

(type or print name)

STATE OF MARYLAND, COUNTY OF ~~ANNAPOLIS~~ BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of September, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Bernard & Eileen Kraft

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

September 25, 1995

date

Quia L. Baker  
NOTARY PUBLIC

My Commission Expires: 9/1/97

EXHIBIT "A"

96-124-A

*On the right side (north) we request the allowance of a ten foot setback in order to accommodate the existing structure built in the early 1960's.*

*On the left side (south) the existing wing containing the office, spare bedroom, and garage, has totally deteriorated due to water and termite damage, and requires reconstruction. We request a setback of twelve feet in order to demo the existing structure, and reconstruct the new structure in a more rectangular design, to accommodate the existing requirements for the living purposes of my family.*

#142

ZONING DESCRIPTION

96-124-A

**ZONING DESCRIPTION FOR 7924 Winterset Avenue, Baltimore, MD 21208.**

*Beginning at a point on the northeast side of Winterset Avenue which is 50 feet wide at the distance of 235 feet south of the centerline of the nearest improved intersecting street, Winterset Court, which is <sup>50</sup>~~40~~ feet wide. Being Lot #29, Block "F", Section 3, in the subdivision of Dumbarton Heights as recorded in Baltimore County Plat Book #26, Folio # 22, containing 28,000 sf. Also known as 7924 Winterset Avenue, and located in the 3rd Election District, 2nd Councilmanic District.*

#  
142

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96+124-7

District 3rd

Date of Posting 10/6/95

Posted for: Various

Petitioner: Bernard & Eileen Kraft

Location of property: 7924 Whitsett Ave.

Location of Sign: Facing roadway on property being zoned

Remarks: \_\_\_\_\_

Posted by M. Kraft  
Signature

Date of return: 10/13/95

Number of Signs: 1





BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

000000

DATE 29 Sep 95 ACCOUNT 29 Sep 95

96-124-A <sup>item 142</sup> <sup>CAM</sup> AMOUNT \$ ~~10.00~~ 85.00

RECEIVED FROM: JGS Custom Homes, Inc.

KRAF+

FOR: 7924 WINTERSET Ave

33A03#0501NICHRA Admin #85.00  
SA 0010:04A009-29-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 142 Petitioner: KRAFT

Location: 7924 Winterset Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bernard Kraft. #142  
90 JBS Corp

ADDRESS: 10815 Reisterstown Road  
Owings Mills, Md. 21117

PHONE NUMBER: 410-654-0012



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 6, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-124-A (Item 142)  
7924 Winterset Avenue  
NE/S Winterset Avenue, 235' S of c/l Winterset Court  
3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before October 8, 1995. The closing date (October 23, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Bernard and Eileen Kraft





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 16, 1995

Mr. and Mrs. Bernard Kraft  
7924 Winterset Avenue  
Baltimore, MD 21208

RE: Item No.: 142  
Case No.: 96-124-A  
Petitioner: B. Kraft, et ux

Dear Mr. and Mrs. Kraft:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

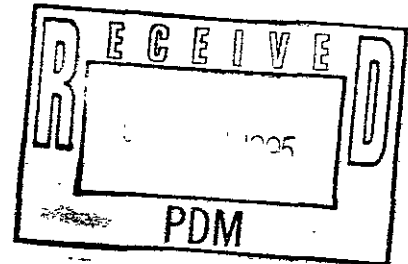
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139,  
140, 141, 142 AND 144. 6



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 4, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Caryl Kerns*

PK/JL

W/630/11/11



**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

10-10-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 142 (CAM)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

## PETITION PROBLEMS

### #133 — MJK

1. No telephone number for legal owner.

### #136 — JRA

1. No zoning on petition form.

### #137 — JRA

1. Folder was not marked critical area.

### #139 — MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

### #140 — CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

### #141 — MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser., along with power of attorney.

### #142 — CAM

1. No review information on bottom of petition form.

### #143 — JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.



# ZONING

## HEARING CHECKLIST

REVISED 8/11/95

This checklist is provided to you, for your information only, and is not to be considered legal advice.

**First**, and most importantly: You must understand that the relief you have requested is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. Either the zoning commissioner or the deputy zoning commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

**Second**: You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

**Third**: It is strongly recommended that you read and understand the requirements of the BCZR.

**Fourth**: No employee of Department of Permits and Development Management (PDM) may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the zoning commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:



Zoning Review  
Department of Permits and Development Management  
111 West Chesapeake Avenue  
Room 111  
Towson, MD 21204  
Telephone: (410) 887-3391

# INDIVIDUAL RESIDENTIAL LOTS

Variances  
Special Hearings

www.baltimorecountymd.gov

# AUTHORITY & PETITIONER'S BURDEN

All requests for residential lot variances and special hearings are handled by the Department of Permits and Development Management (PDM). Applications are obtained from and filed with the Zoning Review Section of PDM, and all hearings are scheduled before the zoning commissioner. The enabling legislation that provides the zoning commissioner with the authority is located in Sections 307 & 500 of the BCZR. The zoning commissioner is the sole interpreter of the BCZR.

## Variances:

Under the authority of Section 307, BCZR, the zoning commissioner has the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases:

- a. Where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
  1. "To prove undue hardship for a use variance, the following three criteria must be met:
    - (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property (mere financial hardship or opportunity for greater profit is not enough).
    - (ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.
    - (iii) Hardship was not the result of applicant's own actions.
  2. To provide practical difficulty for an area variance, the following criteria must be met:
    - (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.
    - (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.
    - (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."
- b. No increase in residential density beyond that allowed by the BCZR shall be permitted;
- c. In strict harmony with the spirit and intent of height, area, off-street parking, or sign regulations;
- d. And only in such manner as to grant relief without substantial injury to public health, safety and general welfare.

## Special Hearings:

Under the authority of BCZR Section 500.6, the zoning commissioner has the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order regarding this matter.

Under the authority of BCZR Section 500.7, any person can petition the zoning commissioner to hold a public hearing to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such a person in any property insofar as they are affected by the BCZR.

# PLEASE READ THIS CHECKLIST CAREFULLY AND COMPLY WITH ALL REQUIREMENTS!

In Order to File or Revise Your Petition

When you have completed the following steps,  
CALL 887-3391  
to make an appointment.

**DUE TO THE EXACTING REVIEW NECESSARY FOR PETITION FILING,  
PETITIONS OR REVISIONS WILL NOT BE PROCESSED OR  
ACCEPTED IF THEY ARE JUST DELIVERED OR MAILED.  
*YOU MUST MAKE AN APPOINTMENT!***

## **Application Procedure:**

A zoning hearing can only grant relief from BCZR, you must contact other County/State agencies to determine if your plat meets their requirements!

Normally before granting any relief, the zoning commissioner shall require advertising and posting of the property and shall hold a public hearing. All orders of the zoning commissioner shall contain a finding of fact specifying the reason or reasons for granting or denying each request.

The normal time period from time of filing a petition until the time of receipt of the written order is somewhere between 100 and 120 days. Also, in addition to filing fees, costs are incurred for posting the property and advertising the hearing in area newspapers.

In an effort to save the individual Baltimore County homeowner time and money, effective March 30, 1990, an administrative variance procedure for an OWNER OCCUPIED RESIDENTIAL ZONED LOT has been established pursuant to Section 22-26(b)1, Baltimore County Code. This procedure may not require newspaper advertising or a public hearing and, as such, the overall time period from the date of filing to written order will diminish by as much as one-half, as well as a cost savings ranging from \$100.00 to \$150.00.

## **Who May Use This Administrative Procedure:\***

1. Home owner of a single family residential lot
2. Contract purchaser of a single family residential lot

\*The above parties only upon submission of a notarized affidavit attesting to the fact that they do now live or will, upon purchase, reside at said property.

## **Who May Not Use This Administrative Procedure:**

1. Petitioners filing a residential variance in combination with a special hearing and/or special exception.
2. Petitioners filing non-residential variances.
3. A builder or developer requesting variance(s) for lot(s).
4. Vacant lots for homes to be built by either individuals or developers are not eligible per Section 22-26(b).1 (BCZR).

At the time of filing, petitioners will pay the filing and posting costs. The property will be posted by county personnel and **MUST THEN REMAIN VISIBLE ON THE PROPERTY FOR A PERIOD OF 15 DAYS.** If a formal protest is not filed with Zoning Review by someone located within 1,000 feet of the property line during the posting period, the administrative procedure may continue. Outside of the 1,000 feet, a challenge is honored at the discretion of the zoning commissioner. The challenge fee is \$40.00 and is paid by the challenging neighbor. The petitioner may remove the sign on the 16th day. The petitioner is responsible for returning the sign to PDM, room 111, on the day of the hearing or after the closing date. Failure to return the sign will result in a \$60.00 charge.

If, however, a protest is filed and/or if the zoning commissioner, at his discretion decides there is a need, this matter will leave the administrative process, necessitating advertising, re-posting, and a public hearing. In such cases, the petitioner will receive written notice that a hearing will be scheduled. The time frame and costs will then be on the level as stated in the paragraphs one and two. Petitioners will receive notification of these fees by mail. The additional charges should be paid by mail upon receipt of the statement, but no later than the date of the hearing.

Zoning petitions may be filed with PDM, Zoning Review, ***only by appointment*** between the hours of 8:00 a.m. and 4:00 p.m. on forms furnished by this office. All information on the forms must be typed or printed and they must be signed by the legal owner(s), with the address, zip code and ***work and home telephone numbers*** provided. While the planner will assist the petitioner in interpreting those provisions of the BCZR applicable to the particular case, the final wording of the request and other information submitted, as set forth in the application, shall be the responsibility of the petitioner(s).

### **The Application Must Contain:**

1. Three (3) copies of petition, typed or printed, with original signatures and applicable information on each copy (home and work telephone numbers included) – See Example #1.
2. Twelve (12) copies of the plat with information as indicated on checklist – See Example #2.
3. Three (3) copies of the property description – See Example #3.
4. One (1) copy of the official zoning map, 200' scale with property outlined as shown – See Example #4. (Map is available from PDM, room 111; note map number on the copy.) For properties in the 12th and 15th election districts, one (1) copy of the 1986 topographical map. (Map is available from Engineering, room 206.)
5. One (1) completed copy of the advertising and posting requirements and procedures form – See last page of this checklist.
6. Filing Fees: The following fees are subject to change. Contact Zoning Review (887-3391) to confirm the proper fees.  
Variance or special hearing - \$50.00 filing fee and \$35.00 per sign, payable at the time of petition filing. Newspaper will mail bill to individual indicated on the advertising and posting form for applicable legal newspaper advertising. An additional \$50.00 is required for an amendment to a final development plan (required for any lots which are indicated on an approved zoning final development plan).
7. Undersized building lots will require additional information (building plans, elevation drawings, photographs, and topography map) to determine design compatibility (BCZR Section 304.2).

## **Administrative Variance Must Contain:**

1. All requirements of item #1 through #6 above.
2. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners reside or, upon purchase, will reside at the property.
3. Filing Fees: The following fees are subject to change. Contact Zoning Review (887-3391) to confirm the proper fees.  
Administrative variance - \$85.00 (\$50.00 filing fee and \$35.00 per sign), payable at the time of petition filing. An additional \$50.00 is required for an amendment to a final development plan (required for any lots which are indicated on an approved zoning final development plan).
4. One (1) copy of the aerial photo with the property outlined (map available from Engineering, room 206).
5. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes.

The first blank section of the petition form which requests the section of the BCZR may be left open until the filing appointment. The planner will assist the petitioner in interpreting the provisions of the BCZR applicable to their particular case. However, the final wording of the request and all other documents submitted shall be the responsibility of the petitioner.

## **Chesapeake Bay Critical Area Requirements:**

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA) and 100 year floodplain. (Map is available for review at Zoning Review, room 111 or room 311.) If the site is located in this area, the petitioner is required to meet critical area requirements. PDM must have the Department of Environmental Protection and Resource Management (DEPRM) comments concerning the request prior to holding a public hearing or making a decision on an administrative variance. It is recommended that the petitioner hand-deliver an extra copy of the plat and zoning item number to DEPRM to speed up the review process.

## **Review Agencies:**

Prior to preparing the required plan, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

1.	Tax Assessments.....	321-2272
2.	Public Services.....	887-3321
3.	Bureau of Capital Projects (for traffic issues).....	887-3751
4.	Fire Department.....	887-3998
5.	State Highway Administration.....	333-1350
6.	County Roads.....	887-3739
7.	Planning (design, screening, landscaping).....	887-3211
8.	Building Engineer (plans).....	887-3987
9.	Department of Environmental Protection and Resource Management (DEPRM).....	887-3980

## **Zoning Advisory Committee (ZAC):**

- A. The above information is to be used, in part, as a guide by members of ZAC.
- B. ZAC, as established by the County Administrative Officer in 1963, presently consists ten (10) representatives of various County agencies. The Committee reviews zoning petitions weekly.
- C. The review by ZAC is aimed, not at making a judgment in the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

# EXAMPLE 1 -- Applications

3 ORIGINALS OF THE APPROPRIATE FORM



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at \_\_\_\_\_

This Petition shall be filed with the Office of Zoning Administration. The undersigned, legal owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Special Hearing to determine whether or not the Zoning Commissioner should apply



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at \_\_\_\_\_

which is presently zoned \_\_\_\_\_

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) \_\_\_\_\_

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Law of Baltimore County for the following reasons (Indicate hardship or practical difficulty)

That the information herein given is within the personal knowledge of the Affiant(s) and is true and correct to the best of their knowledge and belief.

That the Affiant(s) presently reside at \_\_\_\_\_

City \_\_\_\_\_

That based upon personal knowledge, the following are the facts upon which the Affiant(s) believe that a Variance is warranted:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to provide additional information.

Signature \_\_\_\_\_

Print name of Affiant \_\_\_\_\_

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I, \_\_\_\_\_, do hereby certify that \_\_\_\_\_

of Maryland, is and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me, that the matters and facts hereinabove set forth are true and correct to the best of my knowledge and belief.

AS WITNESS my hand and Notarial Seal

Notary Public \_\_\_\_\_

My Comm. \_\_\_\_\_



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at \_\_\_\_\_

which is presently zoned \_\_\_\_\_

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) \_\_\_\_\_

LEAVE BLANK, IF YOU NEED ASSISTANCE WITH SECTION NUMBER OR WORDING

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County for the following reasons (Indicate hardship or practical difficulty)

LIST REASON(S) THE ZONING REGULATIONS CANNOT BE MET ON YOUR PROPERTY:

1. \_\_\_\_\_

2. \_\_\_\_\_

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, and upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

\* ONLY IF YOU ARE A CONTRACT PURCHASER, FILL OUT THIS SECTION

Contract Purchase Name \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

\* \_\_\_\_\_

Address for Petitioner \_\_\_\_\_

Type of this hearing \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

With all petitions, declare and affirm, under the penalties of perjury, that the legal owner(s) of the property situate in the nature of this Petition

Legal Owner(s)

✓ MR. LEGAL A. OWNER

✓ Legal A. Owner

✓ MRS. LEGAL A. OWNER

✓ Legal A. Owner

✓ \_\_\_\_\_

✓ \_\_\_\_\_

✓ \_\_\_\_\_

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✓ \_\_\_\_\_

APPROVED BY \_\_\_\_\_

DATE \_\_\_\_\_

ESTIMATED FILING DATE \_\_\_\_\_

FORM 81

# EXAMPLE 2 -- Plat

12 COPIES

<b>Plat to accompany Petition for Zoning</b> <input checked="" type="checkbox"/> <b>Variance</b> <input type="checkbox"/> <b>Special Hearing</b>	
<b>PROPERTY ADDRESS:</b> <u>4318 E. JOPPA ROAD</u>	
<small>see pages 5 &amp; 6 of the CHECKLIST for additional required information</small>	
<b>Subdivision name:</b> <u>RAMBLE BROOK</u>	
<b>plat book #</b> <u>31</u> <b>folio #</b> <u>126</u> <b>lot #</b> <u>3</u> <b>section #</b> <u>D</u>	
<b>OWNER:</b> <u>JOHN &amp; MARGARET JANSEN</u>	

**Vicinity Map**  
scale: 1"=1000'

<b>LOCATION INFORMATION</b>	
Councilmanic District: <u>5</u>	
Election District: <u>11</u>	
1"-200' scale map#: <u>NE-10G</u>	
Zoning: <u>DR-5.5</u>	
Lot size: <u>0.14</u> acreage	<u>6292.55</u> square feet
SEWER: <input checked="" type="checkbox"/> public <input type="checkbox"/> private	
WATER: <input checked="" type="checkbox"/> public <input type="checkbox"/> private	
Chesapeake Bay Critical Area: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
Prior Zoning Hearings: <u>NONE</u>	

North

date: 3/30/90

prepared by: KAK

Scale of Drawing: 1" = 50'

**Zoning Office USE ONLY!**

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

## **Plat Requirements:**

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". Plats must be trimmed or folded to a neat 8-1/2" x 11" size. It shall contain all the information as set forth on the checklist as follows:

1. **NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN** "PLAN TO ACCOMPANY .....HEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
2. **SCALE OF DRAWING:** 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
3. **OUTLINE OF PROPERTY:** Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. **VICINITY MAP:** A vicinity map must be included on all plats with the scale of 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE SITE PLAT!
5. **PRIOR ZONING HEARINGS:** The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat of any prior zoning hearings.
6. **OWNERSHIP:** Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references. (This information is available from the Tax Assessment Office, 2nd floor, Jefferson Building, 105 West Chesapeake Avenue, Towson.)
7. **LOCATION:** Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description.
8. **STREETS, WIDENING, R/W, EASEMENTS:** Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
9. **BUILDINGS:** Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
10. **STREET SETBACKS:** If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
11. **UTILITIES:** Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference - Room 206, County Office Building.)
12. **FEATURES:** Location of streams, storm water management systems drainage, pipe systems on or within 50 feet of the property, and 100 year floodplain (if any). If not in floodplain, state this on the plan.
13. **B.O.C.A.:** Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
14. **SPECIAL REQUIREMENTS:** For special hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required. For ~~waterfront construction such as piers, ask for a copy of the checklist for waterfront construction (available in room 111).~~

**ALL OF THE ABOVE INFORMATION MUST BE COMPLETE AND ACCURATE OR THE PETITION CANNOT BE ACCEPTED FOR FILING!**



## EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR \_\_\_\_\_  
(address)

Beginning at a point on the \_\_\_\_\_ side of  
(north, south, east or west)

\_\_\_\_\_ which is \_\_\_\_\_  
name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of \_\_\_\_\_ of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street \_\_\_\_\_  
(name of street)

which is \_\_\_\_\_ wide. \*Being Lot # \_\_\_\_\_,  
(number of feet of right-of-way width)

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of \_\_\_\_\_  
(name of subdivision)

as recorded in Baltimore County Plat Book # \_\_\_\_\_, Folio # \_\_\_\_\_,

containing \_\_\_\_\_. Also known as \_\_\_\_\_  
(square feet or acres) (property address)

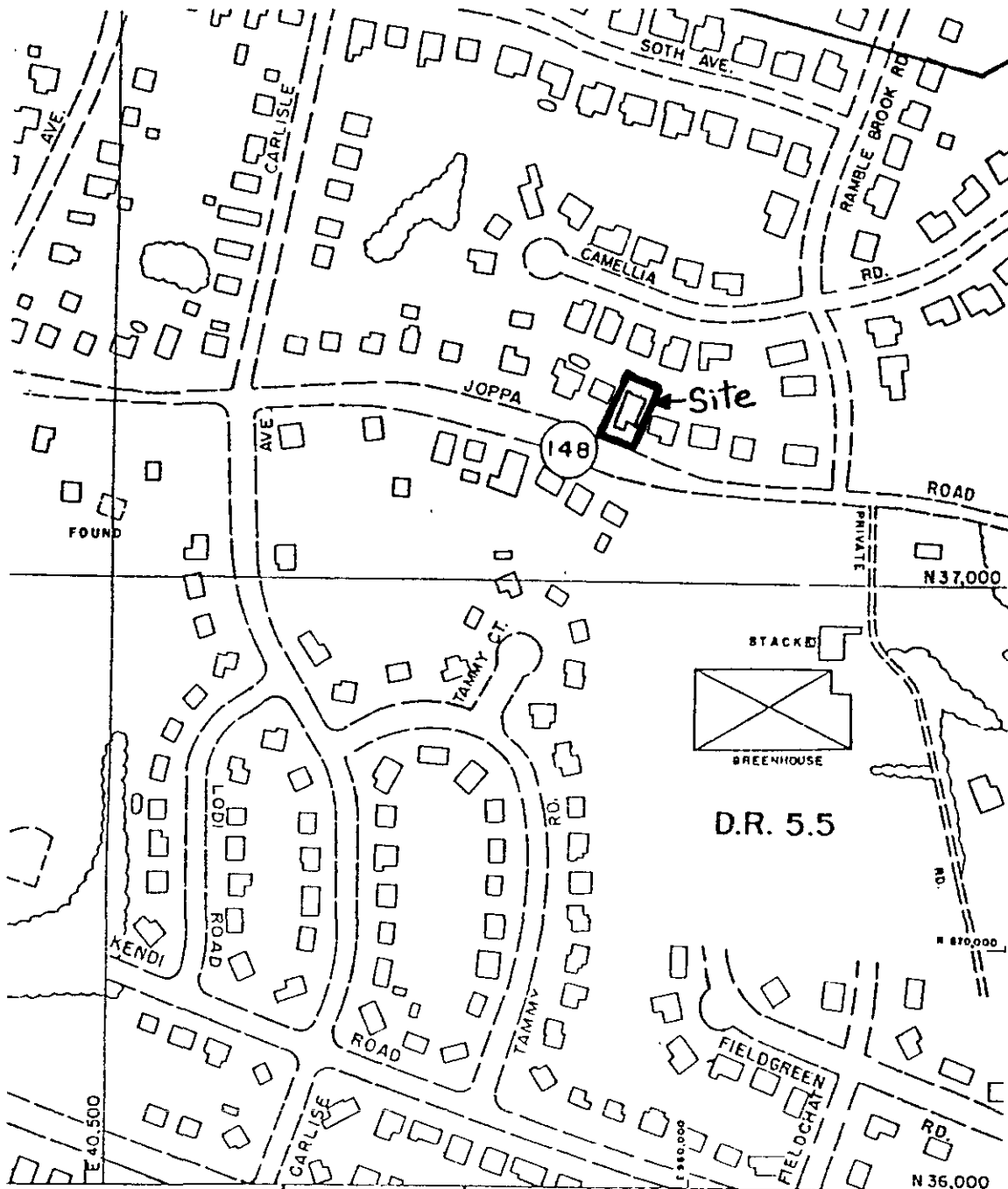
and located in the \_\_\_\_\_ Election District, \_\_\_\_\_ Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_, Folio \_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

# EXAMPLE 4 -- Zoning Map

1 COPY



SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	PERRY HALL	N.E. 10-G

# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: \_\_\_\_\_

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_



North

date: \_\_\_\_\_ prepared by: \_\_\_\_\_ Scale of Drawing: 1"= \_\_\_\_\_



Vicinity Map  
scale: 1"=1000'

## LOCATION INFORMATION

Election District: \_\_\_\_\_

Councilmanic District: \_\_\_\_\_

1"=200' scale map#: \_\_\_\_\_

Zoning: \_\_\_\_\_

Lot size: \_\_\_\_\_ acreage \_\_\_\_\_ square feet

public private  
SEWER: ☐ ☐

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: \_\_\_\_\_

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

**NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.**

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: \_\_\_\_\_ Petitioner: \_\_\_\_\_

Location: \_\_\_\_\_

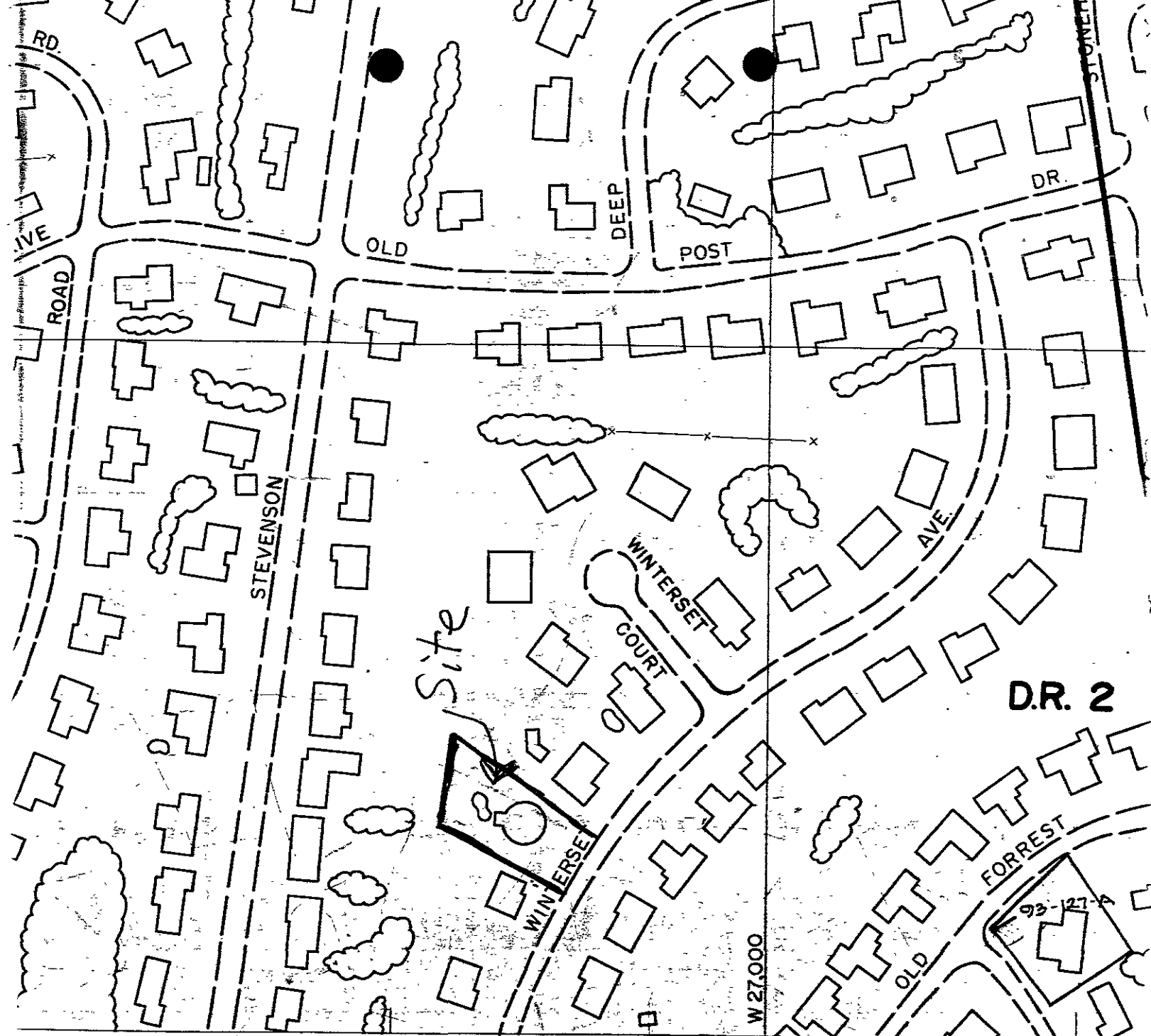
PLEASE FORWARD ADVERTISING BILL TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_





D.R. 2

(SHEET NW-8-E)

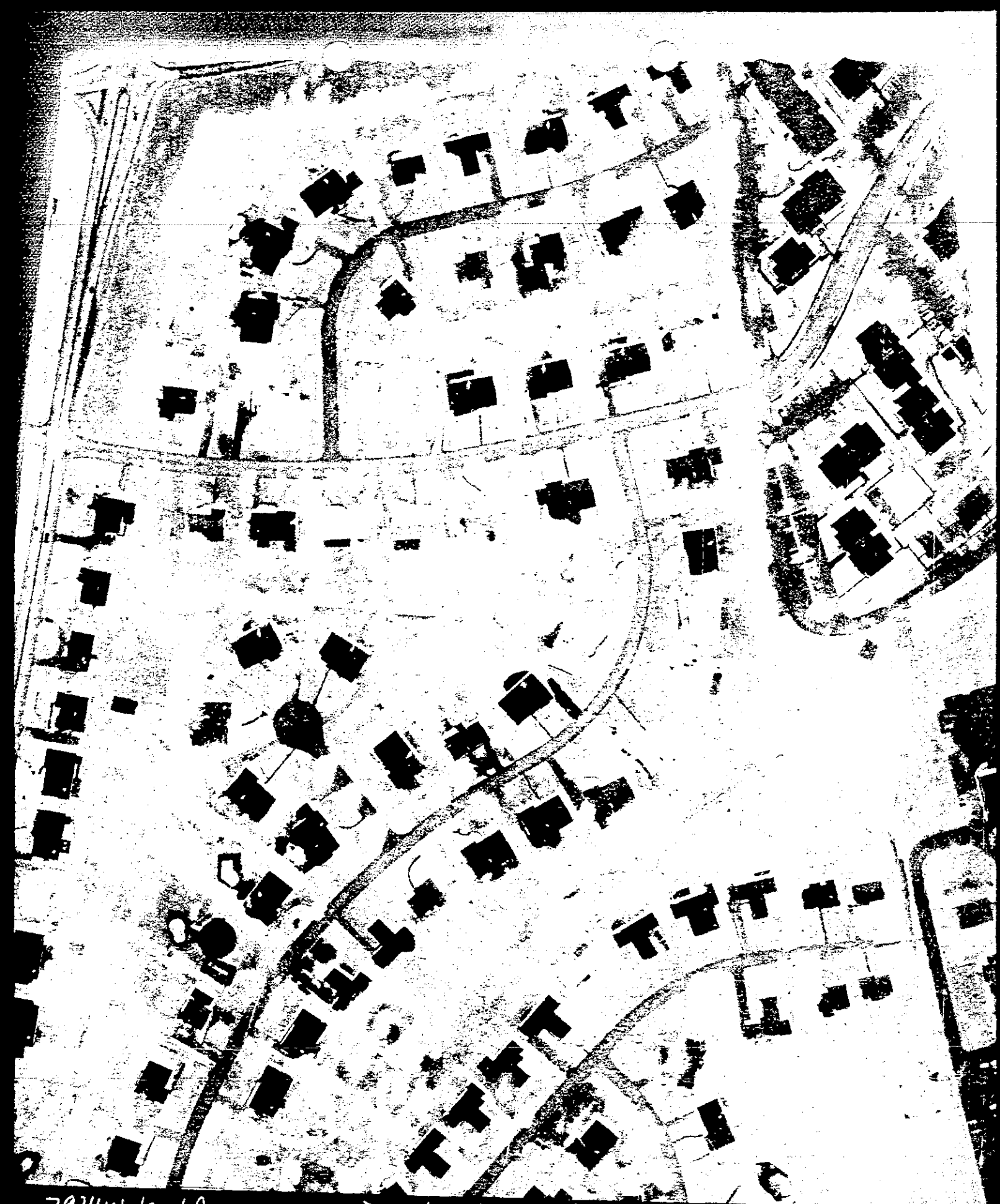
NW 9E  
1" = 200'

# BALTIMORE COUNTY OFFICE OF PLANNING AND OFFICIAL ZONING

96-124-A

#142

MICROFILMED



7924 Winterset Ave

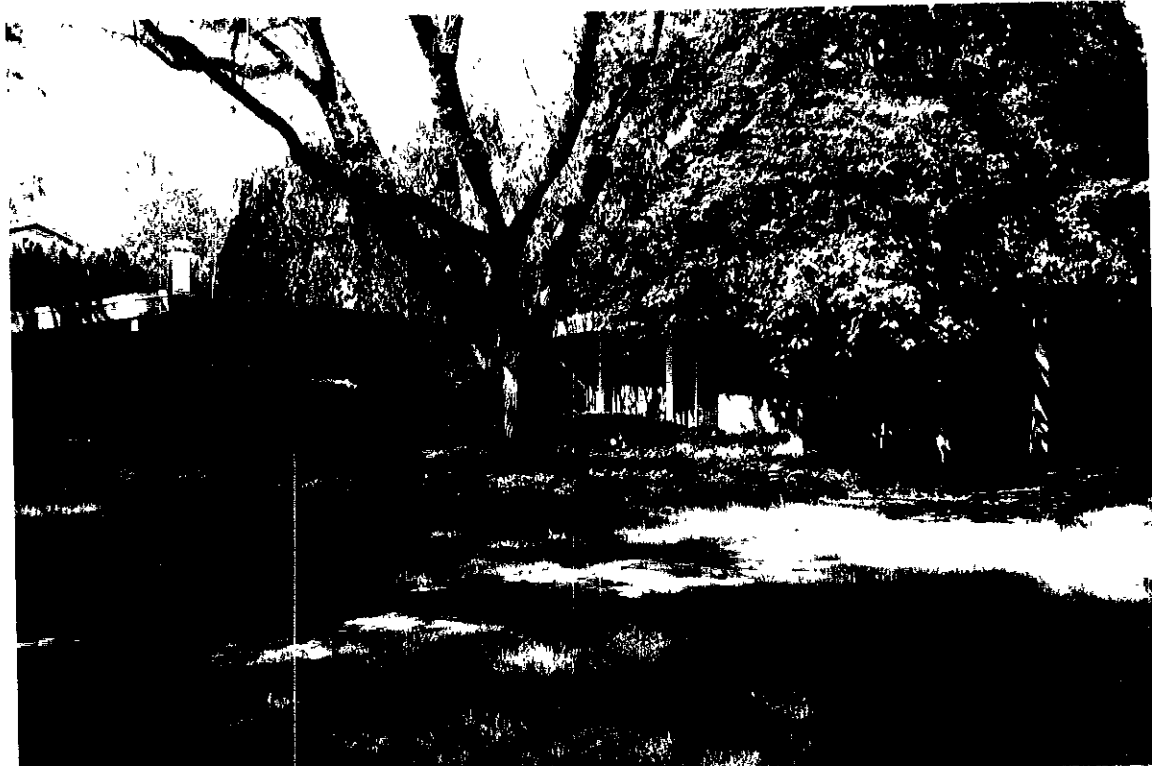
Dumbarton

#142

1"=200'  
NW 9-E

BALTIMORE COUNTY

96-124-A



Front ~~right~~  
Right side



Right side



Right  
side

Mr. Arnold Jablon, Director  
October 4, 1995  
Page 2

However, Lot No. 79 was not included on the Chart as receiving Variance 'D', which read as follows:

Variance 'D'

Variance from Section V.B.6.b, C.M.D.P. pursuant to Section 504. B.C.Z.R. to allow a window setback as close as 12 feet from side building face and, if necessary, 10 foot from bay window face in lieu of 15 foot required window to property line setback.

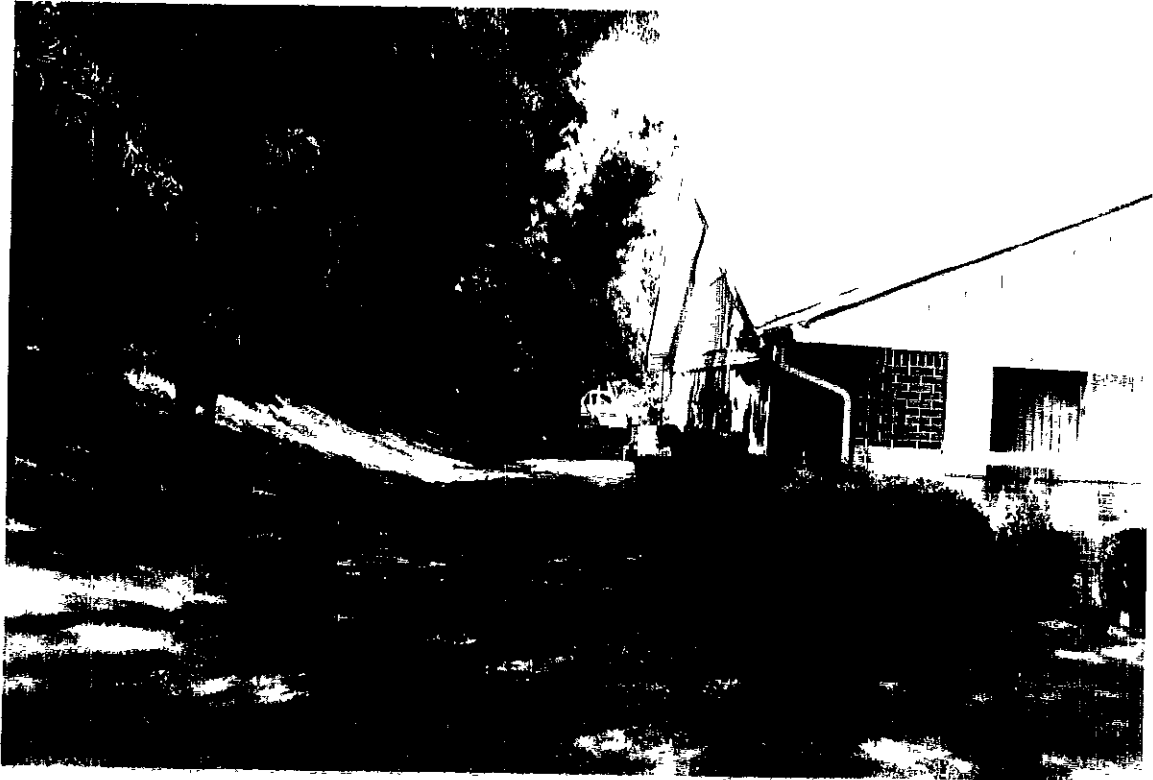
There are only four end units which did not receive the relief described in Variance 'D'. Of those four, three units do not need the relief of Variance 'D' to include bay windows because they either do not face another unit, or are at such a distance and angle offset from the side of another end unit so as to be able to include a bay window without the relief of Variance 'D'.

Therefore, we conclude that Lot 79 should have received Variance 'D' and it must have been omitted from the request, as an oversight.

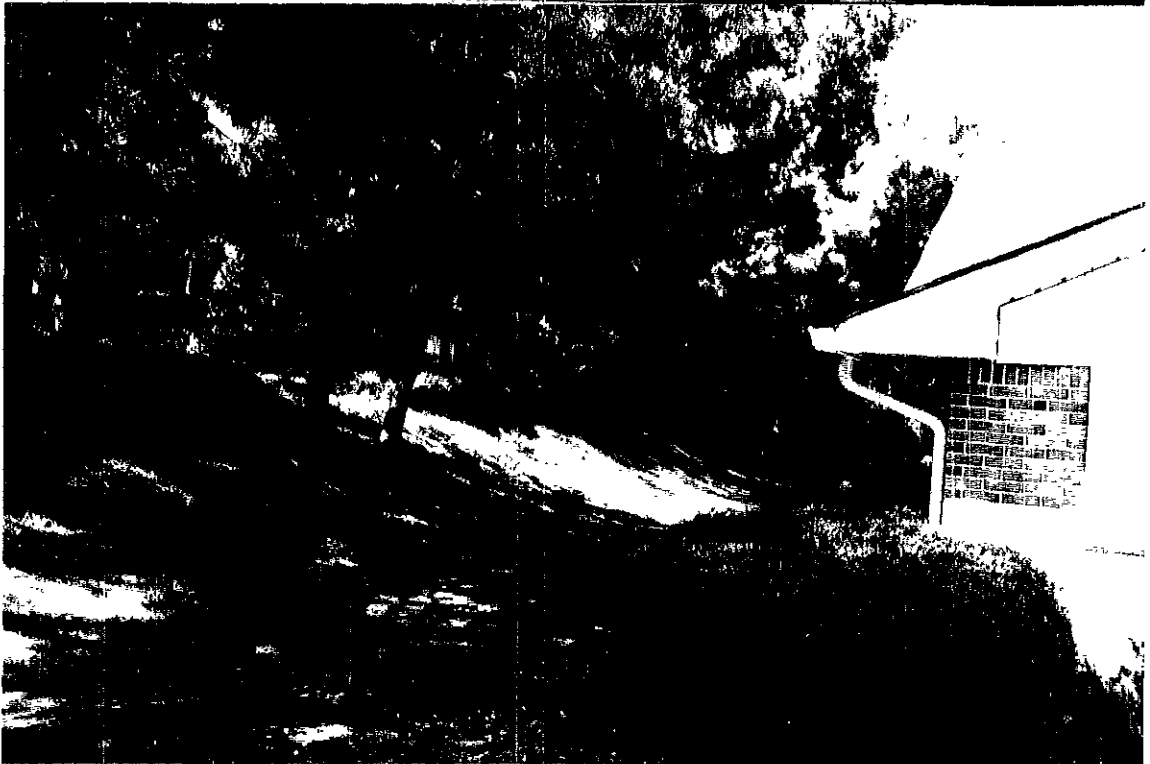
We request that you review our request to add Variance 'D' for Lot 79, as it appears to be within the spirit and intent of the Deputy Zoning Commissioner's order issued under Case No. 94-62-A.

We await your response.





Right  
Side

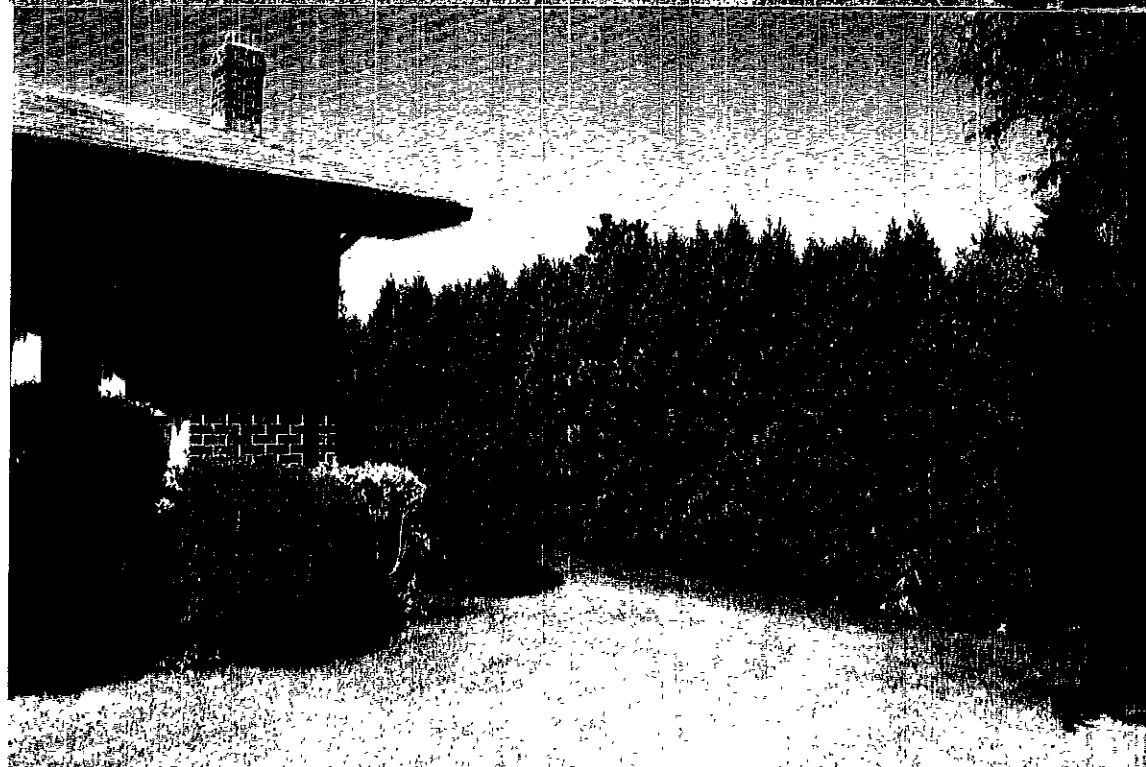




left side



left side



left side



Left rear



Front left



Rear

96-124-A



Front  
right.  
of

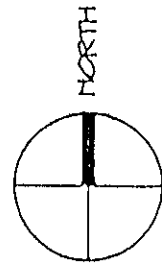


Front  
left.

# PLOT PLAN

SCALE: 1" = 30'

NOTE: INFORMATION ON THIS DRAWING IS BASED ON A LOCATION SURVEY BY MARK & KUHST DATED 12/6/02 & HAS NOT BEEN VERIFIED BY INDEPENDENT SURVEY.



Lot 14  
Block E  
2A/57

No STREAMS, STORM  
WATER MANAGEMENT SYSTEMS,  
EXG. WOOD DRAINAGE PIPE SYSTEMS  
WITHIN 50' OF THE  
PROPERTY LINE

Lot AREA  
28,000 sq ft

Tax Acct.  
#03-19-035740

Council District:  
2

Zoning Map 1" = 200'  
NW 9E

Public Water & Sewer  
Chesapeake Bay Critical Area  
NO

Prior Zoning Hearing  
NO

Zoning - DR2  
Election Dist - 3  
Precinct - 06  
Vicinity Map

695

Old Post Drive

Winchester Ave

Winchester Ave

Winchester Ave

Winchester Ave

Winchester Ave

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Winchester Ave

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Winchester Ave

DRAWING TITLE <b>PLOT PLAN Zoning Variance Plan</b>	
PROJECT NAME 7924 Winterset Avenue - Lot #29 Baltimore, MD 21208 Dymbarthen Heights	SCALE: AS NOTED
JGS: KRAFT RESIDENCE	DATE: © 9-8-96
<b>DEAN ROBERT CAMLIN</b> ASSOCIATES, INC.	REVS:
<b>ARCHITECT</b>	DRAWN: DRC/JP
182 East Main Street Westminster, Maryland 21157-5017 410-876-6900 848-3939 FAX: 876-9268	CHECKED: DRC
FOOTNOTES: CAMLIN/ARBAUGH & ASSOCIATES, INC.	PROJ. NO. 94036
	DRAWING NO. PP-1
	1 of 1

#142

Zoning Variance Plan

11.1.0 - W.I.R.#26 Folio 22 Lot 29

Dwelling over 150'

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150'

150'

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150'

5 FT. DRAINAGE + UTILITY EASEMENT

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5 FT. DRAINAGE + UTILITY EASEMENT

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

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EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXG. CONC. POOL + PAVERS

EXIST Dwelling Lot 14

PROPOSED ADDITION

PROPOSED ADDITION

PROPOSED ADDITION

PROPOSED ADDITION

PROPOSED ADDITION

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PROPOSED ADDITION

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PROPOSED ADDITION

EXG. TO BE REMOVED

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Winterset Ave 50' R/W

Winterset Ave 50' R/W

Winterset Ave 50' R/W

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IN RE: PETITION FOR ADMIN. VARIANCE  
NE/S Winterset Avenue, 235' S  
of the c/l of Winterset Court  
(7924 Winterset Avenue)  
3rd Election District  
2nd Councilmanic District  
Bernard Kraft, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-124-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance for that property known as 7924 Winterset Avenue, located in the vicinity of Stevenson Road in the Dumbarton Heights community in Pikesville. The Petition was filed by the owners of the property, Bernard and Eileen Kraft. The Petitioners seek relief from Sections 1802.3.B and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet and 10 feet in lieu of the required 15 feet for each for the existing structure and the proposed reconstruction of the south wing on the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted, which was accepted into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of October, 1995 that the Petition for Administrative Variance seeking relief from Sections 1802.3.B and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet and 10 feet in lieu of the required 15 feet for each for the existing structure and the proposed reconstruction of the south wing on the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

October 26, 1995

(410) 887-4386

Mr. & Mrs. Bernard Kraft  
7924 Winterset Avenue  
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
NE/S Winterset Avenue, 235' S of the c/l of Winterset Court  
(7924 Winterset Avenue)  
3rd Election District - 2nd Councilmanic District  
Bernard Kraft, et ux - Petitioners  
Case No. 96-124-A

Dear Mr. & Mrs. Kraft:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel

File

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7924 Winterset Avenue, Lot 22, Block "F",  
Third Election District, Dumbarton Heights, Section 3 which is presently zoned DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B and 205.3 (1955 Regs) to allow a side yard setback of 12 feet in lieu of the required 15 feet and to allow an existing side yard setback of 10 feet in lieu of the required 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See Exhibit "A"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract/Purchaser/Lessee	Legal Owner(s)
Type or Print Name(s)	<u>Bernard Kraft</u>
Signature	<i>Bernard Kraft</i>
Address	<u>7924 Winterset Avenue</u>
City	<u>Baltimore, MD</u>
State	<u>MD</u>
Zip Code	<u>21208</u>
Attorney for Petitioner	Office-410-583-8883 Home-410-653-2820
Type or Print Name(s)	<u>Eileen Kraft</u>
Signature	<i>Eileen Kraft</i>
Address	<u>7924 Winterset Avenue</u>
City	<u>Baltimore, MD</u>
State	<u>MD</u>
Zip Code	<u>21208</u>
Phone No.	

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 26th day of October, 1995, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

ORDER RECEIVED FOR FILING  
Date 10/26/95  
By LES

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7924 Winterset Avenue  
Baltimore, MD 21208

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

See Exhibit "A"

I, Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and if required to provide additional information.

*Bernard Kraft*  
Bernard Kraft  
Type or Print Name  
Anne Arundel  
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of September, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
Bernard & Eileen Kraft

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

September 26, 1995  
Notary Public  
My Commission Expires: 9/1/97

### EXHIBIT "A"

On the right side (north) we request the allowance of a ten foot setback in order to accommodate the existing structure built in the early 1960's.

On the left side (south) the existing wing containing the office, spare bedroom, and garage, has totally deteriorated due to water and termite damage, and requires reconstruction. We request a setback of twelve feet in order to demo the existing structure, and reconstruct the new structure in a more rectangular design, to accommodate the existing requirements for the living purposes of my family.

### ZONING DESCRIPTION 96-124-A

ZONING DESCRIPTION FOR 7924 Winterset Avenue, Baltimore, MD 21208.

Beginning at a point on the northeast side of Winterset Avenue which is 50 feet wide at the distance of 235 feet south of the centerline of the nearest improved intersecting street, Winterset Court, which is 20 feet wide. Being Lot #29, Block "F", Section 3, in the subdivision of Dumbarton Heights as recorded in Baltimore County Plat Book #26, Folio # 22, containing 28,000 sf. Also known as 7924 Winterset Avenue, and located in the 3rd Election District, 2nd Councilmanic District.

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3 Date of Posting 10/16/95  
Posted for: Variance  
Petitioner: Bernard & Eileen Kraft  
Location of property: 7924 Winterset Ave.  
Location of Signs: Posting notices on property lines, rear &  
Remarks: None  
Posted by: Michelle Date of return: 10/13/95  
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
No.	007690
DATE	29 Sept 1995
ACCOUNT	29 Sept 95
AMOUNT	\$ 85.00
RECEIVED FROM	JGS Custom Homes, Inc
FOR	7924 Winterset Ave
3340340501NICHED 11/1/95 \$85.00 BA C010:04AMD9-27-95	
VALIDATION OR SIGNATURE OF CASHIER	



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 142 Petitioner: KRAFT

Location: 7924 Winterset Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bernard Kraft

ADDRESS: 10815 Reisterstown Road

Owings Mills, Md. 21117

PHONE NUMBER: 410-654-0012



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 6, 1995

#### NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-124-A (Item 142)  
7924 Winterset Avenue  
NE/8 Winterset Avenue, 255' S of c/l Winterset Court  
3rd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a referee regarding the administrative process.

1) Your property will be posted on or before October 8, 1995. The closing date (October 23, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: Bernard and Eileen Kraft

Printed on Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 16, 1995

Mr. and Mrs. Bernard Kraft  
7924 Winterset Avenue  
Baltimore, MD 21208

RE: Item No.: 142  
Case No.: 96-124-A  
Petitioner: B. Kraft, et ux

Dear Mr. and Mrs. Kraft:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

Printed on Soybean Ink  
on Recycled Paper

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/11/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 10, 1995.

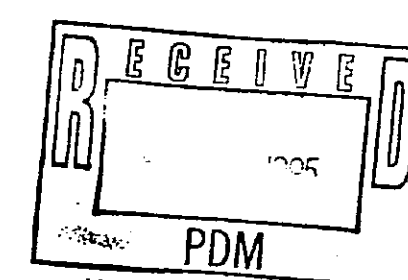
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 135, 136, 137, 138, 139, 140, 141, 142 AND 144.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

#### BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 4, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 123, 124, 125, 126, 131, 136, 137, 138, 140, 142, 143, and 144.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carol Kern

PK/JL

ITEM123/PZONE/ZAC1



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 103  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 142 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

#### PETITION PROBLEMS

#133 — MJK

1. No telephone number for legal owner.

#136 — JRA

1. No zoning on petition form.

#137 — JRA

1. Folder was not marked critical area.

#139 — MJK

1. Receipt was not given to petitioner or attorney; still in folder.
2. No address or telephone number for legal owner.
3. Petition says zoning is "O-2"; folder says "OR-2" - which is correct?

#140 — CAM

1. No telephone number for legal owner.
2. Petition says zoning is "DR55".

#141 — MJK

1. Need printed name and title of person signing for legal owner, along with power of attorney.
2. Need printed name and title of person signing for contract purchaser, along with power of attorney.

#142 — CAM

1. No review information on bottom of petition form.

#143 — JJS

1. Need title of person signing for legal owner, along with power of attorney.
2. Need telephone number for legal owner.

## ZONING HEARING CHECKLIST

REVISED 8/11/95

This checklist is provided to you, for your information only, and is not to be considered legal advice.

**First:** and most importantly. You must understand that the relief you have requested is a quasi-judicial decision and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (BCZR). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence, and cross-examine witnesses. Either the zoning commissioner or the deputy zoning commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

**Second:** You must understand that if a hearing is required, you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented by an attorney.

**Third:** It is strongly recommended that you read and understand the requirements of the BCZR.

**Fourth:** No employee of Department of Permits and Development Management (PDM) may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the zoning commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the BCZR.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:



Zoning Review  
Department of Permits and Development Management  
Room 111  
Towson, MD 21204  
Telephone: (410) 887-3391

## INDIVIDUAL RESIDENTIAL LOTS

Variances  
Special Hearings



